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of construction, as that the authorities are not always well selected. Because an individual has written an imposing looking treatise on international law it does not follow that it is worth the notice of serious students. With obvious inconsistency the author contends (p. 143) that England would not be especially vulnerable because of the capture of her merchant ships by the enemy, yet further along (p. 173) the following statement is made: "While, then, the trade of other belligerent powers can mostly be taken over by other and neutral marines, this is not possible to the same degree for England. That country will thus be forced to carry on its trade partly with its own vessels, and that means a special prospect of capture for the English ships."

American readers will be shocked to find the great Wheaton called an Englishman (p. 113) and the foreign trade of the United States left out of a table which includes Finland, Norway, and Greece. However, their patriotic pride cannot but be touched by the closing sentence of the book: "In spite of all past failures one may, believing in the continued evolution of all human institutions, express the hope that at no very distant date, under the firm guidance of North America, the powers will pursue the course laid down for them not only by humane considerations, but also by modern conceptions of the nature of war."

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Wilcox, Delos F. *Municipal Franchises.* Vol. II. Pp. xxi, 885. Price, \$5.00. New York: Engineering News Company, 1911.

In spite of the widespread public interest in all questions affecting the relation of the municipality to public utilities, there has been but little attempt to give a systematic presentation of the subject. It is true that every work dealing with municipal government has attempted some discussion of the questions involved, and a number of legal treatises such as Foote and Everett's "Law of Incorporated Companies Operating Under Municipal Franchises" have dealt with the juristic aspects of the question.

The work of Dr. Wilcox, of which the second volume has just appeared, is the first attempt to present a thorough discussion of every aspect of the relation of municipalities to quasi-public works. In subjecting these questions to careful, unprejudiced scientific analysis Dr. Wilcox has done a service not only to students of municipal affairs, but also to a great number of state and municipal officials who are compelled to deal in a practical way with these questions.

The first volume contained some introductory chapters on the legal nature of the franchise, the method of acquiring franchise rights and the limitation of monopoly profits, but the greater portion of the work (Chapters VI to XXI, inclusive) was devoted to a careful analysis of typical franchises, including electric light, heat and power, telephone, telegraph, water, sewer, refrigeration, pneumatic, oil pipe and artificial and natural gas.

The greater part of Vol. II (Chapters XXII to XXXVIII, inclusive) deals

with transportation franchises. In view of the fact that most of the unsettled questions in franchise policy relate to transportation problems, it is likely that Vol. II will be received with even greater interest than Vol. I. Throughout the discussion of the questions involved, Dr. Wilcox has shown admirable ability to balance what may be termed the purely fiscal or financial and the broader social factors involved in the relation between the municipality and public utilities. His breadth of treatment is manifested by the fact that in every instance he gives due weight to the social influences which must be kept in view in the adjustment of the relation between the municipality and its transportation system.

The greater portion of Part IV (Chapters XXXIX to XL, inclusive) is devoted to the question of taxation and control of public utilities. In this portion of the work the author reviews the experience of the several states in attempting to control the organization, finances, accounts and operation of transportation companies. A careful and a thorough analysis of one of the most difficult questions involved, namely, the question of the reversion or purchase of the plant at the close of the franchise period, is contained in Chapter XL.

Of more than ordinary interest is the final chapter of the work, which deals with the question of municipal ownership. In a comparatively brief chapter the author examines the question from both the political and financial points of view. His treatment of the subject shows clearly how difficult it is to make any *a priori* statement of the case for or against municipal ownership and operation. The question is one which will receive a different answer at different periods, and in different cities at the same period.

Without attempting to dogmatize on the subject Dr. Wilcox takes the position that every city should so arrange its relation with public service corporations as to make possible both municipal ownership and operation. In furtherance of this purpose he gives the following sane and wholesome advice to every municipality:

"First.—Clear away all legal and constitutional obstacles to municipal ownership and operation, so that each city will have a free hand in dealing with the matter.

"Second.—Tax and regulate the life out of perpetual franchises until the companies are willing to give them up for indeterminate grants with a reservation to the city of the option to purchase.

"Third.—In every new franchise, and in franchise readjustments make provision for the amortization of existing capital value, so that when the city gets ready to take over the property, it will not be prevented by the necessity of assuming a burden of debt that is impossible.

"Fourth.—Establish public utility commissions or departments, franchise and accounting bureaus, and other agencies through which the cities will be acquiring knowledge and training men against the day when public utilities may be acquired for municipal operation.

"Fifth.—Remove the curse from municipal government as rapidly as pos-

sible by establishing effective responsibility and cultivating efficiency and constructive civic statesmanship.

"*Sixth*.—Take a wide look around and a long look ahead, link up the problem of municipal franchises with the national conservation movement and kindle a fire under every sleepy citizen till even the street gamins, the club women and the great merchants on Broadway know what a franchise signifies."

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Willoughby, W. W. *The Constitutional Law of the United States.* Two vols. Pp. cxv, 1390. New York: Baker, Voorhees & Co., 1910.

Unlike the majority of writers on our constitution, Mr. Willoughby does not follow the order of its text in his arrangement of material. Unlike too many also he does not shirk the consideration of "controverted questions." These characteristics impress the reader throughout the two comprehensive volumes which comprise the work. Both indicate vigor of thought and the belief that the constitution though "rigid" must grow with the development of our social and economic life. The subject matter is discussed not historically but organically. Those parts of the constitution which by nature belong together are discussed together. Due process for example is not parcelled between the discussion on obligation of contracts and the fifth and fourteenth amendments. Especially the parts of the constitution undergoing contemporary interpretations, the commerce clause, division of powers, the power to acquire territory and the relation of the constitution to acquired territory are investigated. Such a treatment makes these volumes interesting not only to the practicing lawyer but of unusual importance for those who are interested in constitutional law as an outgrowth of our national life. So far as possible the interpretation which the courts have given to the various clauses of the constitution is given in the words of the court.

Volume I opens with a discussion of the principles of constitutional construction, the division of sovereignty between the states and the federal government, and the maintenance of the supremacy of the federal government within the sphere assigned to it by the constitution. The veiled supervision of even internal state activities allowed by the supreme court's interpretation of the fourteenth amendment is followed by the discussion of the relations of the states to each other, to citizens of other states and to American citizens in general. Next is considered the power of the government over territory not states and individuals who are subjects but not citizens. The discussion of the territorial governments is broadened beyond a treatment of their purely legal status to include a review and estimate of our historical policy in handling new territory. This serves as a logical introduction to the consideration of the status of the island possessions and the perplexing declarations of the supreme court as to the state of their inhabitants. An interesting chapter deals with what the author calls "presidential governments" which refers here not to the form of organization but to the source of authority—govern-